

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PAUL BOYD,

Plaintiff

v.

JAMES LARSON, et al.,

Defendants

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No. 1:16-cv-1789

(Judge Kane)

(Magistrate Judge Saporito)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

In this pro se prisoner case, filed August 29, 2016, the Plaintiff, Paul Boyd, asserts federal civil rights claims regarding the conditions of his confinement at Luzerne County Correctional Facility (“LCCF”). (Doc. No. 1.) On October 4, 2016, Plaintiff filed a motion for a temporary restraining order and preliminary injunction, together with a testimonial declaration in support. (Doc. Nos. 14, 15.) In that motion, Plaintiff sought an order directing the defendants to: provide him with greater access to the LCCF law library; to cease placing him in solitary confinement; to return certain personal property seized from his cell or reimburse him for it; to prohibit retaliatory transfer to another institution or placement in administrative segregation or protective custody; and to permit him to see a psychotherapist weekly. (Doc. No. 14 at 1-2.) On November 28, 2016, the Court received notice from Plaintiff advising that he had been transferred to Lackawanna County Prison. (Doc. No. 22.) Accordingly, on December 1, 2016, Magistrate Judge Saporito issued a Report and Recommendation on Plaintiff’s motion for temporary restraining order and preliminary injunction recommending that Plaintiff’s motion be denied as moot as he had been transferred from LCCF, because the injunctive relief sought by

Plaintiff was specific to that institution. (Doc. No. 23.) No timely objections have been filed to the Report and Recommendation.

On December 20, 2016, the Court received notice that Plaintiff was no longer incarcerated at Lackawanna County Prison. (Doc. No. 24.) On December 23, 2016, Plaintiff filed a letter¹ with the Court indicating that he was transferred from Lackawanna County Prison back to LCCF on December 5, 2016. (Doc. No. 25.) The letter also identifies additional incidents and grievances that Plaintiff seeks to add to his complaint in the above-captioned case. (*Id.* at 2-3.) Plaintiff followed that letter with a petition for writ of habeas corpus² (Doc. No. 26) and supporting brief (Doc. No. 27), filed December 28, 2016.

ACCORDINGLY, on this 17th day of January 2017, in light of Plaintiff's subsequent filings (Doc. Nos. 25, 26 and 27), **IT IS HEREBY ORDERED THAT:**

1. The Court declines to adopt the Report and Recommendation of Magistrate Judge Saporito (Doc. No. 23.); and
2. This matter is referred back to Magistrate Judge Saporito for further consideration of Plaintiff's motion for temporary restraining order and preliminary injunction in light of the allegations made by Plaintiff in Doc. Nos. 25, 26 and 27.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania

¹ The letter was docketed by the Clerk's office as "Motion to Supplement Complaint."

² The petition for writ of habeas corpus was docketed by the Clerk's office as "Motion for Preliminary Injunction."